IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3441 of 1979

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL
and
Hon'ble MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

THE ORIENTAL FIRE AND GENERAL INSURANCE COMPANY
Versus
PARVEZ JEHANGIRSHAH MYSOREWALA

Appearance:
1. Special Civil Application No. 3441 of 1979
MR ARUN H MEHTA for Petitioner No. 1
MR RN SHAH for Respondent No. 1
MR KS NANAVATI for Respondent No. 2
DELETED for Respondent No. 3

CORAM : MR.JUSTICE J.M.PANCHAL
and
MR.JUSTICE A.M.KAPADIA

Date of decision: 09/04/2003

ORAL JUDGEMENT

(Per : MR.JUSTICE J.M.PANCHAL)

1. By filing instant petition under Articles 226 and 227 of the Constitution, the petitioner, that is, The Oriental Fire and General Insurance Company, New Delhi, has challenged legality of judgment and award dated February 16, 1979 rendered by the Motor Accident Claims Tribunal No.I, Vadodara in Motor Accident Claim Application No. 208 1976 by which the petitioner and respondent Nos.2 and 3 are directed to pay a sum of Rs.1,000/- with proportionate cost and interest at the rate of 6% per annum from the date of application till payment, as compensation to the respondent No.1.

2. Heard learned advocates of the parties.

3. Having regard to the smallness of the amount awarded to the respondent No.1, this Court is not inclined to exercise special and discretionary jurisdiction vested in the Court under Articles 226 and 227 of the Constitution. The petition is, therefore, liable to be dismissed.

4. For the foregoing reasons, the petition fails and is dismissed. Rule is discharged. There shall be no orders as to costs. Ad-interim relief granted by order dated October 6, 1979 is hereby vacated. It is clarified that disposal of this petition would not affect the merits of First Appeal No. 1519 of 1979 which is filed by The Oriental Fire and General Insurance Company Limited, New Delhi against the judgment and award rendered by Motor Accident Claims Tribunal at Vadodara in Motor Accident Claim Application No. 207 of 1976.

(J.M. Panchal, J.)

(A.M. Kapadia, J.)

(karan)